

## ORDINANCE 23 - 6

An Ordinance Creating A Code Of Ethics And Repealing Ordinances No. 06-28, 07-7, 10-8.

The Richland County Board of Supervisors does ordain as follows:

### 1. **Repeal of Prior Ordinances**

Ordinance Nos. 06-28, 07-7, and 10-8 concerning the establishment of a code of ethics are repealed.

### 2. **Authority**

This ordinance is established pursuant to Wis. Stat. § 19.59(1m)-(8).

### 3. **Purpose of Code of Ethics**

The purpose of the code of ethics is as follows:

- a. The proper operation of representative government requires that county officials (*defined in section 3*) be independent, impartial, and responsible to the people; that government decisions and policies be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established an Ethics Code for all Richland County officials. The purpose of this code is to assist county officials in avoiding conflicts between their personal interest and their public responsibilities in order to improve standards of public service and promote and strengthen the faith and confidence of the people of Richland County in their county public officials and to provide for disclosure by county officials of substantial financial interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of Richland County.
- b. The County Board hereby reaffirms that each county official occupies a position of public trust that requires adherence to a high standard of conduct. Any effort to realize substantial personal gain through official conduct is a violation of that trust. This code of ethics does not prevent any county public official from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their duties to this county. The County Board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as county officials retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for county officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that county officials may need to engage in employment, professional or business activities, or maintain investments, in order to support themselves or their families and to maintain a continuity of professional, business or investment activity, and are free to do so as long as those activities do not conflict with the specific provisions of this code.

### 4. **Positions Covered**

This ordinance shall apply to all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and other County employees.

## 5. The Ethics Board

The Ethics Board shall carry out this ordinance, and shall be a committee of the County Board which has been assigned the duties of the Ethics Board.

## 6. General Provisions

The following are subjects covered by the Ethics Code:

### a. Closed Sessions

No County official may disclose any information discussed, debated or acted upon in a closed session of the County Board or its bodies (i.e., committees, boards, commissions).

### b. Contracts

An official may not enter into a contract with the County or form a contract or contracts with Richland County involving the receipts or disbursements of more than \$15,000 in any year. Additionally, an official may be subject to this ordinance if they hold 10% or greater interest in an organization which enters into a contract/s with the County.

### c. Financial Interest

A financial interest is any interest which yields, directly or indirectly, a monetary or other material benefit to a County official or a member of their immediate family, or to an organization with which an official is associated. An organization is defined as *any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.* A County official who has a financial interest in a matter pending before a body shall disclose the nature of the interest and may not discuss the matter unless invited by the body. A County official may not vote on a matter in which they have a financial interest.

### d. Gifts

A gift or thing of value is any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the State or County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.

A County official shall not accept, from any person or organization directly or indirectly, a gift or anything of value without full payment, if it could reasonably be expected to influence their vote, governmental actions or judgments or is provided to such official because of their position or office and could reasonably be considered as a reward for any governmental action or inaction.

### e. Nepotism

Refer to the Employee Handbook. The provisions of nepotism in the Employee Handbook shall apply to County Board members with respect to supervision of the County Administrator.

### f. Privileged Information

Privileged information is any written or oral material related to County government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

An official shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official shall not use privileged information to advance their personal financial interest or that of their immediate family. An official's immediate family is their spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official.

g. Public Property

An official shall not use County-owned property unless authorized by their supervisor.

h. Social Media

Refer to Social Media Policy.

**7. Advisory Opinions**

The Ethics Board shall issue advisory opinions with the assistance of the Corporation Counsel. Any individual may apply in writing to the Ethics Board for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present their interpretation of the facts at issue before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Ethics Board's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Ch. 19, Wis. Stats. However, such records may be made public with the consent of the applicant.

**8. Complaint Procedure**

- a. The Corporation Counsel or County Clerk shall accept from any individual a verified written complaint which states the name of the official alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Corporation Counsel or County Clerk shall forward a copy of the complaint to the accused official and the Ethics Board within ten days of its receipt. If no action on the verified complaint is taken by the Ethics Board within 60 days, the complaint shall be dismissed.
- b. Complaints shall include:
  - i. The name of the alleged offender
  - ii. The approximate date of the alleged offense, if applicable
  - iii. The nature of the alleged offense
  - iv. Any supporting facts known to the complaining party
  - v. The date on which the complaint is being submitted
- c. Following the receipt of a verified complaint, the Ethics Board may make preliminary investigations with respect to alleged violation of the Ethics Code. A preliminary investigation shall not be initiated unless the accused official is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated, and a statement of such person's due process rights. If the Ethics Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to a fact-finding hearing.

- d. The Ethics Board may investigate any complaint properly filed. no action will be taken against the subject of such an investigation if the complaint was filed more than one year after the alleged violation of the Ethics Code."
- e. The Ethics Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Board may request, a hearing before the Ethics Board. The Ethics Board shall keep a record of the hearing and have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under Wis. Stat. § 885.01. The Ethics Board may also administer oaths.

Within 10 business days of the conclusion of the hearing, the Ethics Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the official. If the Ethics Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.

No recommendation of the Ethics Board becomes effective until 20 business days after it is issued, while an application for rehearing or rehearing before the Board is pending, or after the Board has announced its final determination on rehearing. Appeals may be requested to the full County Board.

**9. Enforcement**

Violation of any provisions of this code should raise conscientious questions for the official concerned as to whether voluntary resignation or other action is indicated to promote the best interests of Richland County. If the Ethics Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, Ethics Board shall refer its findings and recommendation to the County Board. The Ethics Board may recommend that:

- a. The County Board order the individual to conform his or her conduct to the Ethics Code or recommend that they be censured, suspended, removed from office, or be issued a private or public reprimand. In the case of an employee the Board may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.
- b. If Wis. Stat. § 19.59 (1) has been violated, the Ethics Board may also refer the matter to the District Attorney to commence enforcement.

DATED: MARCH 21, 2023  
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ORDINANCE OFFERED BY THE RULES &  
 STRATEGIC PLANNING STANDING COMMITTEE  
 (03 JANUARY 2023)

		FOR	AGAINST
MARTY BREWER, CHAIR	MARTY BREWER	X	
RICHLAND COUNTY BOARD OF SUPERVISORS	SHAUN MURPHY-LOPEZ	X	
	CHAD COSGROVE	X	
	DANIELLE RUDERSDORF	X	
ATTEST:	INGRID GLASBRENNER	X	
	LINDA GENTES	X	
	DONALD SEEP	X	
	BOB FRANK	X	
DEREK S. KALISH	JULIE FLEMING	X	
RICHLAND COUNTY CLERK			